IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

Bail Appl..No. 5934 of 2007()

CC.621/2007 of J.M.F.C.,AMBALAPUZHA
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: PETITIONER/ACCUSED NO.2:

PRIJIMON, S/O. PAVITHRAN,
GAURI MANDIRAM, WARD NO.10, PURAKKAD,
ALAPPUZHA DISTRICT.

BY ADV. SRI.M.R.SUDHEENDRAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5934 of 2007

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Dated this the 3rd day of October, 2007

ORDER

Application for anticipatory bail. The petitioner faces the prospect of arrest in execution of a non-bailable warrant issued in a pending C.C. The crime has been registered for offences punishable inter alia, under section 420 r/w 34 I.P.C. The petitioner is the 2nd accused. The first accused in the same case has already been granted anticipatory bail as per order dated 4.9.07 in B.A.No.5314 of 2007. He has subsequently surrendered before the learned Magistrate and has been enlarged on bail, submits the learned counsel for the petitioner.

2. The learned Magistrate took cognizance of the offences alleged and instead of following the normal procedure of issuing a summons on such a private complaint, directed that a warrant of arrest be issued against the accused persons, including the petitioner herein. The learned counsel for the petitioner prays that identical conditions as were issued in favour of the co-accused in B.A.No.5314/2007 may be issued in favour of the petitioner herein also. I find such request to be absolutely reasonable. I am satisfied that identical directions can be issued in favour of the petitioner also.

3. In the result, this application is, in these circumstances,

allowed in part. It is directed that the petitioner must surrender before the learned Magistrate and seek regular bail on or before 9.10.07. Till that date, the warrant of arrest issued by the learned Magistrate against the petitioner shall not be executed.

Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-
(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE